

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY WILLIAMS,
Plaintiff,

10-CV-1022 (SLT) (JO)

-against-

ORDER

NYS OFFICE OF MENTAL HEALTH,
et al.,
Defendants.

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TOWNES, United States District Judge:

Plaintiff, a patient in a state-operated mental health facility commenced this action against the New York State Office of Mental Health (“OMH”) and others for alleged violations of his civil rights. After filing suit, he moved for a preliminary injunction under Fed. R. Civ. P. 65 enjoining the defendants during the pendency of the action from forcefully dispensing medication to the plaintiff. The motion, and the issue of whether a guardian ad litem should be appointed pursuant to FRCP 17(c), has been respectfully referred to United States Magistrate Judge James Orenstein for a report and recommendation.

In a letter dated May 6, 2010, OMH “request[s] clarification regarding the hospital’s ability to pursue a medication over objection order from the New York State Supreme Court during the pendency of the motion for a preliminary injunction.” (Docket No. 28.) No clarification is needed because it is clear that, in this action, the Court has not issued a temporary restraining order staying OMH from seeking such relief in state court while the preliminary injunction motion is pending.

SO ORDERED.

Dated: May 14, 2010
Brooklyn, New York

/S/ _____
/SANDRA L. TOWNES
United States District Judge